

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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Maine Power Company and don't you think they haven't ripped us off.

They went down in Limerick and destroyed a power station and today it has been rebuilt by a private man and he is now selling power back to my people. My people paid for that power station once and now we are paying for it again.

A remark was made that if one man was not doing his job, get rid of him. I want to ask you how many men Central Maine Power Company had at that hearing working for them? Did they only have one? No, they didn't only have one, they had a battery of people defending their case and you ask us if one Public Advocate doesn't do his job, get rid of him—come on, folks, equal justice, equal opportunity.

My folks back home are poor, hard working folks, and it is time somebody started protecting them. The wheelers and dealers, I owe them no loyalty and they get no loyalty from me, and I think if the gentleman from Portland, whom I have disagreed with many times, Mr. Connolly, has a fine idea, then he has got my vote tonight.

A roll call has been requested.

More than one fifth of the members present expressed a desire for a roll call, which was ordered.

The SPEAKER: The pending question before the House is the motion of the gentleman from Shapleigh, Mr. Ridley, that House Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 485

YEA—Anderson, Armstrong, Bell, Bott, Brown, D.N.; Cahill, Callahan, Conary, Connors, Cooper, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Erwin, Foster, Greenlaw, Gwadosky, Hayden, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Livesay, MacBride, MacEaAchern, Manning, Masterman, Matthews, K.L.; Maybury, McGowan, McPherson, McSweeney, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Perkins, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Ridley, Roberts, Robinson, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Tamaro, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirnkilton.

NAY—Ainsworth, Allen, Andrews, Beaulieu, Bost, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Diamond, Gauvreau, Hall, Handy, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, Laplante, Lehoux, Lisnik, Locke, Macomber, Mahany, Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McHenry, Melendy, Michael, Mills, Mitchell, E.H.; Mitchell, J.; Murray, Nedeau, Nelson, Paradis, P.E.; Paul, Perry, Reeves, P.; Richard, Rolde, Rotondi, Smith, C.B.; Soucy, Soule, Stevens, Theriault, Thompson, Tuttle, The Speaker.

ABSENT—Baker, Benoit, Bonney, Carrier, Dudley, Martin, A.C.; Masterton, Strout, Swazy, Telow.

72 having voted in the affirmative and 69 in the negative, with 10 being absent, the motion did prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence and sent for concurrence.

The following paper was taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

An Act Relating to Municipal Cost Components for Fiscal Year 1984-85 and Providing for a Study of the Unorganized Territory (H. P. 1857) (L. D. 2458) (H. "A" H-702; H. "B" H-703; H. "C" H-705 and S. "A" S-414).

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being neces-

sary, a total was taken. 102 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Mr. Moholland of Princeton was granted unanimous consent to address the House.

Mr. MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: As you know, I was opposed to this bill, but in the spirit of the fairness of having lost my position, I want to make the record clear as to one of the provisions. At the request of my opponent on L. D. 2402, "An Act to Revise the Wood Measurement Bill," Section 2364-3, it was amended to delete the requirement that all cases involved in payment for services of wood to be taken out of the state must be measured and a measurement tally sheet completed before the wood is taken out of the state. The opponents requested that instead of a requirement for measurement and accounting for the wood before it leaves the state be imposed only when the state sealer, after investigation, has reason to believe that except in the case of inadvertent error, there has been inaccurate measurement or that measurement tally sheet was inaccurate or was not properly provided, the proposed language for this amendment, however, did not expressly and clearly state under these limits circumstances the wood to be taken outside the state but must be measured before it is taken out of the state.

The opponent who requested this amendment agreed that this requirement for the measurement of the wood before it leaves the state was the intention of the agreed upon amendment.

I am reading this statement into the record to clarify the legislative intent of Section 2364-A, Subsection III.

The following paper was taken up out of order by unanimous consent:

An Act to Clarify and Make Corrections in the Inland Fisheries and Wildlife Laws (S. P. 908) (L. D. 2446) (S. "A" S-404).

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The following paper was taken up out of order by unanimous consent:

Passed to Be Engrossed

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 911) (L. D. 2462).

Was reported by the Committee on Bills in the Second Reading and read the second time.

By unanimous consent, the rules were suspended to allow for amendments at this time.

Mr. Hobbins of Saco offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-721) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Ladies and Women of the House: Essentially what this bill does, it takes care of an inadvertent error in which the term "credit union" was omitted as a financial institution in regards to the utilization of the prepaid funeral arrangements—very appropriate at this time of the evening, Mr. Speaker.

Thereupon, House Amendment "B" was adopted.

Mr. Soule of Westport offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-711) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Sproul.

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to defeat this amendment. The reason I do so is that this is neither an error nor an inconsistency, it is, in fact, a substantive change. This amendment would place in the Department of Mental Health and Mental Retardation the assistant to the com-

missioner.

Earlier this session, the State Government Committee heard L. D. 2141, which was a bill relating to policy-influencing positions. There were 22 positions in that bill. The State Government Committee very carefully went over each and every one of those 22 positions. Part of that bill was to establish three brand new positions in state government. We decided to leave all three of those positions out. This is one of those positions that we looked at very closely and felt should be deleted, so I would hope that you would vote against this amendment.

Mr. Speaker, I would request a division.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Augusta, Mr. Sproul, is correct in many areas and the last half hour or so, we are learning more information about this particular position.

At the point in time when we were working on this bill to unclassify several positions, 10 or 12 or so, we had received some information from the Personnel Department dealing with these positions and when it came to this particular position dealing with the Assistant to the Commissioner of Mental Health and Retardation, and it certainly would be a new position if we accepted this amendment, we were told that they had no intentions of filling that slot at this time but perhaps would do it next year. Obviously, at the time we were trying to create a unanimous committee report and the decision was, well it may be very well that they do need that position but let's let them come back next year and do it. I personally felt very strongly that in a department like Mental Health and Retardation, that he has some 1500 employees and he can only appoint five, perhaps, at the most and it makes a great deal of sense for him to have that position.

It is my understanding now, after talking with people from the Appropriations about it, that position has been funded, that the information we received during the work session was incorrect, that they had every intention of filling that position this year, a position they felt they needed and if we had received that information during the work session, I would anticipate that the bill would have come out in a far different manner than what it has. It wouldn't have come out unanimous but might have come out as a divided report but I for one think it is an appropriate thing to do and would urge you to support the amendment.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Sproul.

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I still believe and I would sincerely hope that you would still vote against this and my reason is pure and simple—that the Errors and Inconsistencies Bill is not the place to be creating a new position. We discussed that, they had the opportunity to present this information to us. The Department of Personnel was there at every workshop. I feel that this flies in the face of the committee process through which we work.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the adoption of House Amendment "A". Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

62 having voted in the affirmative and 43 in the negative, the motion did prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendments "A" and "B" and sent up for concurrence.

The following paper was taken up out of order by unanimous consent:

Non-Concurrent Matter

Bill "An Act Making Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984 and June 30, 1985" (Emergency) (S. P.